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 1            UNITED STATES DISTRICT COURT
              NORTHERN DISTRICT OF OHIO
 2                 EASTERN DIVISION

 3                     - - -

 4  Snap-On Business Solutions, Inc.,   :
                                        :
 5           Plaintiff,                 :
                                        :
 6     vs.                              : Case No.
                                        : 5:09-CV-01547-JG
 7  O'Neil & Associates, Inc.,          :
                                        :
 8           Defendant.                 :

 9                     - - -

10     VIDEOTAPED DEPOSITION OF BARBARA J. MOORE
                **CONFIDENTIAL**
11            *ATTORNEYS' EYES ONLY*

12                     - - -

13

14                Tuesday, December 8, 2009
                  10:25 o'clock a.m.
15                Reminger Company, LPA
                  65 East State Street, Fourth Floor
16                Columbus, Ohio  43215

17
                       - - -
18
                  SHAYNA M. GRIFFIN
19        REGISTERED PROFESSIONAL REPORTER
           CERTIFIED REALTIME REPORTER
20
                       - - -
21

22        ANDERSON REPORTING SERVICES, INC.
          3242 West Henderson Road, Suite A
23             Columbus, Ohio 43220
                  (614) 326-0177
24             FAX (614) 326-0214
```

 1 | is what I don't like."

 2 | Q.   Okay.

 3 | A.   So --

 4 | Q.   So on more than one occasion, you would

 5 | have a meeting with Samuel and others where he would

 6 | show you current features of the online portal?

 7 | A.   Sometimes the online portal, sometimes the

 8 | MCFA dealer portal.

 9 | Q.   Okay.

10 | A.   It depends on what the topic is.

11 | Q.   Okay. Did you ever personally log into

12 | the portal?

13 | A.   Probably.

14 | Q.   Do you recall how many times you would

15 | have done this?

16 | A.   I would have no idea how many times. Very

17 | few.

18 | Q.   Okay. Did you need a user name or

19 | password to log in?

20 | A.   Yes.

21 | Q.   Okay. And how did you get a password?

22 | A.   Samuel Herrick provided them.

23 | Q.   Okay. Have you ever met anyone else

24 | besides Samuel Herrick who works at MCFA?

1   Q.   Right. But for the first meeting, do you

2   know who would have authored this first page of

3   meeting notes or agenda?

4   A.   I would have to guess.

5   Q.   Okay. So you don't -- you didn't write

6   this?

7   A.   No.

8   Q.   The first -- does this -- have you seen

9   this document before?

10 A.   Not that I recall.

11 Q.   Okay. The very first line there it says,

12 "Barbara Moore was intricate in creating -- in the

13 creation of the statement of work and will be working

14 with us on the project."

15   Would you say that that's an accurate

16 statement?

17 A.   Yes.

18 Q.   Okay. And at the very bottom of that page

19 it says "User and passwords for all sites. These are

20 being created now and will be delivered to O'Neil by

21 end of week."

22   Do you recall if O'Neil received those

23 passwords around that time in late November 2008?

24 A.   We received a list of passwords. I could

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 1   not tell you when.

 2   Q.          Okay.  Ms. Moore, I'm handing you a

 3   document marked for identification as Exhibit 91.

 4   Can you tell me what this document is.

 5   A.          It looks like standard weekly meeting

 6   minutes.

 7   Q.          And do you recall attending this meeting?

 8   A.          Not specifically, but I'm sure I did.

 9   Q.          Okay.  Does this look like a true and

10   accurate copy of the notes from this meeting?

11   A.          I have no reason to think they wouldn't

12   be.

13   Q.          Okay.  Under the data acquisition project

14   status, it says that the preferred times for the MCFA

15   run will include 6:00 a.m. to noon Eastern and 4:30

16   to 7:00 p.m. Eastern Monday through Saturday.

17               How was this decided?

18   A.          Samuel Herrick said these are his

19   preferred times.

20   Q.          Do you know how he arrived at that

21   conclusion?

22               MR. SCHRADER:  Objection to form.  You can

23   answer if you know.

24   A.          The only relevant thing I know is he said
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 1   images and -- like, what physical data did you need

 2   to create the system?

 3           MR. SCHRADER:  Objection to form.  You can

 4   answer.

 5   A.         You're kind of asking broad questions that

 6   we spent weeks determining.  So it's kind of hard to

 7   give you a 20-word answer.

 8           MR. SCHRADER:  Yeah.  I mean, it's kind of

 9   like you're asking her how do you build a rocket ship

10   and fly to the moon.  I mean, there's lots of things

11   that are involved and --

12           MS. WILCOX:  I'll ask a different

13   question.

14           MR. SCHRADER:  Yeah.

15   BY MS. WILCOX:

16   Q.         Did you talk with anyone at MCFA about

17   where their parts data would come from for use in

18   your system?

19   A.         Yes.

20   Q.         Okay.  Who did you talk to at MCFA about

21   that?

22   A.         Samuel Herrick.

23   Q.         What did you discuss with Mr. Herrick

24   about where the data would come from?
```

1   A.   It depends on which piece of data as to

2   which source it would come from.

3   Q.   What are the various pieces of data that

4   you needed?

5   A.   This isn't an inclusive list, but there's

6   the parts files, the parts list, the illustration for

7   each parts list which are bundled into models. So we

8   need the relationship of all of those to the model.

9   Many models share components, so we need the

10   relationship of the shared piece. There's also many

11   other sets of data that are used, including pricing

12   files, standard nomenclature files, standard

13   abbreviation data sets, standard measurement data

14   sets, third-party vendor data sets, schematics.

15   There's a whole host of data sets.

16   Q.   Was this data to be provided in digital

17   format or in paper, hard copy format?

18   A.   Again, it depends on the data set. Some

19   files they have FTP'd us, some they provided paper

20   copies.

21   Q.   What about the data that was reclaimed

22   from Snap-On's site?

23   MR. SCHRADER: Objection to form. It was

24   MCF's site.

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 1              MS. WILCOX:  Well, Snap-On hosts the

 2   site --

 3              MR. SCHRADER:  Right.

 4              MS. WILCOX:  -- and they own the data.

 5              MR. SCHRADER:  Uh-huh.  Well, that's what

 6   we're here about.

 7              MS. WILCOX:  That's why we're here.

 8              MR. SCHRADER:  I mean, it's our position

 9   that it's an MCF site that's hosted by Snap-On.

10              MS. WILCOX:  And it's ours that Snap-On

11   hosts the site for MCFA, and we create the software

12   that powers the site and we created their data.

13   BY MS. WILCOX:

14   Q.         What -- for the data that was reclaimed

15   from the site hosted by Snap-On, could you have used

16   paper or pdf catalogs or files to get that data?

17   A.         If they had pdf versions.

18   Q.         Did they have -- did you ask them for pdf

19   versions of that information?

20   A.         We asked them what data they had, how they

21   wanted us to acquire that set.  We asked them that

22   for each of the data sources.

23   Q.         And how did they tell you they wanted to

24   acquire the data?
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 1   A.          We would have to ask the specific IT

 2   people.

 3   Q.          Do you know what IT people were involved

 4   with the data acquisition and saving it to a server?

 5   A.          Dave Stackhouse is the head of the IT

 6   group, and he can certainly tell you where that was

 7   stored.  I have no interest where it's stored.

 8   Q.          So what does O'Neil plan on doing with the

 9   data that it downloaded from the website hosted by

10   Snap-On?

11   A.          Enriching the data and putting it into our

12   custom content management system and website.

13   Q.          What do you mean by enriching the data?

14   A.          That means the value add that we bring to

15   the data.

16   Q.          What, in particular, do you do to enrich

17   the data?

18   A.          The association and hyperlinking of the

19   coordinates to the parts list is one piece of

20   enrichment, standardizing their data, normalizing

21   their data, consolidating from multiple data sets

22   into a single data set.  That's not a complete list.

23   Q.          Does the data need to be arranged

24   differently in the CMS than it was arranged on the
```

1   website hosted by Snap-On?

2   A.   Absolutely.

3   Q.   How -- how does it need to be arranged

4   differently?

5   A.   Well, one major difference is currently

6   MCF's data is stored in six separate sites based on

7   region and brand. We're creating a global

8   consolidated database which will handle all regions

9   and both brands.

10   MR. SCHRADER: That's highly confidential.

11   MS. WILCOX: Okay.

12   MR. SCHRADER: We'll probably mark this

13   deposition just like we did yesterday.

14   MS. WILCOX: Yeah, portions

15   confidential --

16   MR. SCHRADER: Yeah, mark the whole thing

17   for now as highly confidential. You can let me know

18   what portions you want to share with your client and

19   we can have a dialog.

20   MS. WILCOX: Okay.

21   MR. SCHRADER: Is that okay?

22   MS. WILCOX: That's fine.

23   MR. SCHRADER: Thanks, Amanda.

24   BY MS. WILCOX:

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 1   other options available of how to get the data.

 2   Q.          And what were those options?

 3   A.          I don't recall all of them.  One of them

 4   was to redo the work that MCFA had already paid to

 5   change the Japanese data to contain the America's

 6   changes.  And we could have had our offering group do

 7   that.  They could have hired someone else to do that.

 8   We could have gone with the MHI data as it was

 9   without the changes and let it be incorrect and have

10   MCF update it at their leisure.  MCF could have

11   updated the data manually.

12   Q.          How long would that have taken to do this

13   manually?

14   A.          With the size of data, two, three people,

15   I'd guess a year or more.

16               MR. SCHRADER:  Don't guess.

17   BY MS. WILCOX:

18   Q.          How much would it cost to recreate the

19   data manually?

20   A.          A lot.

21   Q.          Okay.  Was this option considered?

22   A.          I was not involved in the pricing

23   discussions.

24   Q.          Okay.  But in the discussions about how to
```

 1 alternatively source the data, were there discussions

 2 as to how to get the data if it wasn't available from

 3 Snap-On's website? Was that considered?

 4 A.   Yes.

 5 Q.   And why was it decided to not go with any

 6 of those ways of obtaining data?

 7 A.   The choice to go with the reclaiming data

 8 was made because it was efficient, cost effective and

 9 the most accurate data.

10 Q.   And who was part of the decision to source

11 the data by acquiring it from the website hosted by

12 Snap-On?

13 A.   Ultimately, that would be the customer's

14 decision.

15 Q.   Who else at O'Neil was in on that

16 discussion?

17 A.   I know Heather was involved. As far as

18 who else, I don't -- I don't know.

19 Q.   When you were given a password to access

20 the portal on the site hosted by Snap-On, was it a

21 user name and password created for you or was it

22 somebody else's user name and password?

23 A.   I was given a list of passwords and user

24 names to use.

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 1    Q.          Okay.  And were the user names names of

 2    any employees at O'Neil?

 3    A.          We have O'Neil user names.

 4    Q.          Okay.  Do you know if any of the user

 5    names or passwords were -- belonged to employees of

 6    MCFA?

 7    A.          I don't know anything about the list of

 8    user names and passwords, except we said we need

 9    multiple user names and passwords if we're going to

10    run multiple sessions.  And MCFA said "Here is a list

11    to use."

12    Q.          Okay.  And you ran multiple sessions?

13    A.          Yes.

14    Q.          Now, does that mean multiple threads or

15    multiple -- like were there multiple sessions with

16    one or more threads each?

17    A.          Multiple -- multiple threads.

18    Q.          Okay.  So for each thread you needed a

19    user name and password?

20    A.          Yes.

21    Q.          Is a thread and a session the same thing?

22    A.          In my program management nomenclature,

23    yes.

24    Q.          Okay.
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 1   to skill set and availability.

 2   Q.          So are the three people you mentioned here

 3   the team leads?

 4   A.          Ryan is not the -- he's the designated

 5   lead for the CMS.  He's not the head of that

 6   department.

 7   Q.          What is a content management system?

 8   A.          Other than what it says?

 9   Q.          Yeah.

10   A.          It manages --

11   Q.          What does it do?

12   A.          It's a structured way to manage data sets.

13   Q.          What is the content management system that

14   O'Neil is designing for MCFA?  What does it do?

15   What's -- what will MCFA use it for?

16   A.          Used for authoring of technical

17   documentation.

18   Q.          And then what will be done with that

19   documentation?

20   A.          It's provided to the customers.

21   Q.          Okay.  What's an electronic parts catalog?

22   A.          It's a parts catalog that's not in printed

23   form.

24   Q.          Okay.  And is O'Neil building an
```

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 1   electronic parts catalog for MCFA?

 2   A.          The content management system will allow

 3   you to generate parts catalogs.

 4   Q.          So what is the end product that MCFA and

 5   its dealers will use?

 6               MR. SCHRADER:  Highly confidential.  Go

 7   ahead.

 8   A.          Well, they'll use different parts of it.

 9   Q.          Well --

10   A.          The dealers would use the website and the

11   media-based version of that.

12   Q.          Of which one?

13   A.          The -- they'll use a media-based version

14   similar to the website, like a disk version.

15   Q.          Of the content management system --

16   A.          No.

17   Q.          -- or the electronic parts catalog?

18   A.          Of the website.

19   Q.          What's the website?

20   A.          The website shows illustrated parts lists

21   in a searchable form so that you can look up what

22   widget you need for your forklift.

23   Q.          So that's different than an electronic

24   parts catalog?
```

1   A.   Well, a parts catalog is generally for a

2   model or a set of models that are very similar.

3   Q.   So what will the website have -- will it

4   have multiple models?

5   A.   It should have all of their models for MIT

6   and CAT. And then the content management system is a

7   totally different piece, which the output of it will

8   feed the website updates and it will also produce

9   printed or electronic parts catalogs as requested.

10   Q.   Does O'Neil provide similar systems for

11   other customers?

12   A.   Yes.

13   Q.   Okay. About how many customers?

14   MR. SCHRADER: Highly confidential.

15   A.   I couldn't tell you.

16   Q.   How long has O'Neil been creating these

17   types of systems?

18   A.   Since before I joined.

19   Q.   Okay. Who would know how many --

20   approximately how many customers O'Neil provides

21   similar systems for?

22   A.   Heather Cobb.

23   Q.   Are you working on the design or

24   implementation for the electronic parts catalog or

1   the content management system?

2   A.   I'm a project manager, so I don't design

3   the system.

4   Q.   What is your role in the project?

5   A.   My focus is schedule, budget, scope.

6   Q.   Okay.

7   A.   And I tell the team here's what you've got

8   to do when you've got to do it by.

9   Q.   Okay. So you help implement the project.

10 Yes?

11   MR. SCHRADER: Objection.

12 A.   We use "implement" in a specific way in

13 technology.

14 Q.   Okay. Then what do you mean by implement?

15 What do you understand implement to mean?

16 A.   Maybe the better way to say it is my role

17 is to oversee the project and make sure it happens on

18 time and in budget.

19 Q.   Okay. Who at O'Neil is primarily

20 responsible for the CMS and the electronic parts

21 catalog projects?

22 A.   Well, I'm the project manager.

23 Q.   Okay. So are you primarily responsible

24 for these?

1   Q.   Okay. Do you remember when O'Neil and

2   MCFA were having discussions and decided that O'Neil

3   should acquire the data for MCFA?

4   A.   I know that there had been discussions

5   about us doing this project from before I hired on.

6   Q.   Okay. When did the other parts of the

7   project begin, the design of the actual systems?

8   A.   More recently; but, again, I'd have to

9   refer to system notes and things.

10   Q.   Is the data acquisition phase of the

11   project complete?

12   A.   No.

13   Q.   Okay. What's the current status of that?

14   A.   Well, the reclamation effort as it was is

15   complete. But since that did not finish, we're still

16   discussing how to fill the gap. And there are the

17   numerous other data sources that I mentioned that

18   they are sending us files or they are discussing how

19   to provide that data.

20   Q.   And what are they currently discussing as

21   far as methods for providing that data?

22   A.   It varies by source. So --

23   Q.   What are the different sources?

24   A.   Again, it's price files, aftermarket parts

1   lists, there are change files, service bulletins.

2   There's a host of other sources.

3   Q.   And do any of those other sources -- will

4   those be acquired in digital format or in hard copy?

5   A.   Some of them. Both.

6   Q.   And where are they currently located, the

7   digital -- where are the digital files currently

8   located?

9   A.   That they have given to us or that they

10   are going to provide?

11   Q.   Both.

12   A.   I have no clue where the ones are on their

13   side.

14   Q.   Okay.

15   A.   Which is why we request them and wait. On

16   our side we have various file folders called MCF

17   data, MCF disk data, MCF price file. Some of them

18   are just files. Some of them are sets of files.

19   Q.   Okay. So MCF is still supposed to give

20   you some information in digital format; correct?

21   A.   We're hoping for that.

22   Q.   What did O'Neil charge for the data

23   acquisition services to MCF?

24   MR. SCHRADER: Highly confidential.

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 1   Q.        Did you ever wonder why -- if it was MCF's

 2   data, why MCF didn't just directly give it to O'Neil?

 3   A.        I've already stated my understanding of

 4   that.

 5   Q.        And can you remind me what your

 6   understanding of that is, please.

 7   A.        That the data that they had on the website

 8   was the most accurate version that they had.

 9   Q.        Are you aware of any issues that occurred

10   with the Snap-On website around the time of the data

11   acquisition?

12   A.        That's -- that's a pretty broad question.

13   Q.        Were you aware of site outages while the

14   data acquisition was occurring?

15   A.        There was one time period where an end

16   user had sent in to Samuel a note about not being

17   able to access some piece of data, and he passed that

18   on to us.  And we looked at our tool and the records

19   of the tool of its run to see if that could possibly

20   be caused by anything we did.  And we found no

21   indication that it was caused by that.  We asked

22   Samuel to request what caused that from Snap-On, and

23   he said later that Snap-On replied "problem fixed"

24   and didn't give him any detail.
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